

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California
www.spb.ca.gov

Public Session Location - Room 150

Closed Session Location - Room 141

TWO-DAY BOARD MEETING - MAY 1-2, 2001

FULL BOARD MEETING MINUTES

MAY 1, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Richard Carpenter, Member
Sean Harrigan, Member

2. Informal discussion with Barry Keene, Director,
Department of General Services.

ACTION: Informal discussion held.

3. ORAL ARGUMENT

Oral argument in the matter of CURRY THOMAS, CASE NO.
00-2233. Appeal from 90-calendar days suspension.
Department of Water Resources.

May 1, 2001

Persons Participating:

Peggy A. Dalton, Labor Relations Counsel, Department of
Personnel Administration, representing Department of
Water Resources

Matthew J. Gauger, Attorney at Law, Van Bourg, Weinberg,
Roger & Rosenfeld, representing IUOE for appellant

ACTION: Submitted

4. ORAL ARGUMENT

Oral argument in the matter of LISA GRAY, CASE NO. 00-
0004. Appeal from five percent reduction in salary for a
period of 12 months. Department of Motor Vehicles.

Persons Participating:

Kaye Krumenacker, Senior Staff Counsel, representing
Department of Motor Vehicles

Harry J. Gibbons, Attorney, CSEA, representing appellant

ACTION: On May 2, 2001, adopted Board decision remanding
case to Administrative Law Judge.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

5. ORAL ARGUMENT

Oral argument in the matter of ROSELLEN M. BOOG, CASE NO.
00-0349. Appeal from rejection during probation.
California State University-Northridge.

Persons Participating:

Patrick D. Carroll, University Counsel, representing CSU
Virginia Watts, Labor Relations Representative, CSEA,
representing appellant

ACTION: Submitted

6. HEARING - RIGHT TO RESPOND TO PROPOSED ACTION

May 1, 2001

PURSUANT TO BROWN V. SPB (CALIFORNIA COURT OF APPEAL, 1ST APPELLATE DISTRICT, CASE NO. A090512, 1/30/01) BOARD STAFF PROPOSES TO APPLY THE PRE-REMOVAL SAFEGUARDS SET FORTH IN SKELLY V. STATE PERSONNEL BOARD (1974, 15 CAL. 3D 194) TO NON-DISCIPLINARY TERMINATION PROCEDURES FOR STATE EMPLOYEES BY AMENDING SPB RULE 52.3.

Persons Participating:

Karen Brandt, Staff Counsel, California State Personnel Board

Brian Taylor, Attorney, CSEA

Claire C. Iandoli, Attorney, CSEA

ACTION: Adopted staff's recommendation May 1, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

7. HEARING - DEPARTMENT OF MOTOR VEHICLES PROPOSED DEMONSTRATION PROJECT

THE PROPOSED DEMONSTRATION PROJECT WILL ENABLE THE DEPARTMENT OF MOTOR VEHICLES TO CONDUCT EXAMINATIONS FOR THEIR MANAGERIAL CLASSES AND ONE DESIGNATED SUPERVISORY CLASS ON A POSITION-SPECIFIC BASIS PROVIDING FOR AN IMPROVED RECRUITMENT AND SELECTION PROCESS AND A BROADER CANDIDATE POOL.

Persons Participating:

Carol Ong, Staff, California State Personnel Board

Ted Boughton, Chief, Human Resources Branch Department of Motor Vehicles

ACTION: Adopted staff's recommendation May 1, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

8. ORAL ARGUMENT

Oral argument in the matter of JUAN CARDENAS, CASE NO. 00-2421. Appeal from dismissal. Department of Corrections.

Persons Participating:

John R. Denvir, Staff Counsel, representing Department of Corrections

May 1, 2001

Bradley W. Stevens, Staff Legal Counsel, CCPOA,
representing appellant

ACTION: On May 2, 2001, Board adopted findings of fact
of Administrative Law Judge revoking dismissal.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

9. ORAL ARGUMENT

Oral argument in the matter of WILLIAM DUARTE, CASE NO.
00-3089. Appeal from dismissal. Department of
Corrections.

Persons Participating:

Steve Jennings, Staff Counsel, representing Department of
Corrections

Bradley W. Stevens, Staff Legal Counsel, CCPOA,
representing appellant

ACTION: On May 2, 2001, Board adopted Administrative Law
Judge's proposed decision sustaining dismissal.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

10. ORAL ARGUMENT

Oral argument in the matter of JOAN LE LOUPE-DEFELIZE,
CASE NO. 00-1231. Appeal from termination of limited
term appointment. Department of Corrections.

Persons Participating:

Written argument presented by the Department of
Corrections

Chris Uyemura, Staff Legal Counsel, CCPOA, representing
appellant

ACTION: On May 2, 2001, Board adopted resolution
dismissing appeal.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A D J O U R N M E N T

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, Cilifornia

Public Session Location - Room 150
Closed Session Location - Room 141

CONCURRENT BOARD MEETING MINUTES

MAY 2, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Richard Carpenter, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The State Personnel Board budget was approved by the Senate Budget Subcommittee. The Assembly has scheduled our budget for consideration on May 7, 2001.
- B. The Governor's American's with Disabilities Act Task Force has approved \$10 million in funding for accessibility projects in twenty state facilities.
- C. The State Personnel Board's Strategic Plan has been shared with staff and is available on SPB's website.

May 2, 2001

- D. Interviews for the State Personnel Board's Assistant Executive Officer position are scheduled for May 4, and May 7, 2001.
- E. Chuck Hildebrand, a former division chief of the State Personnel Board has passed away.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. The 3rd District Court of Appeal issued an unpublished opinion in ACSS v. CDC, sustaining the Board's determination that the appellants were not entitled to an administrative appeal to challenge memoranda they received dealing with work performance deficiencies.
- B. The motion to intervene in IUOE v. Connell was continued to May 30, 2001, to permit the parties time to engage in settlement discussions.
- C. Both ACSA and SPB filed oppositions to the amicus brief filed by the Office of the Attorney General in ACSA v. DPA.
- D. The hearing on the merits in SPB v. DPA/IUOE has been postponed until August 17, 2001, to allow time for the parties to complete discovery.
- E. The 3rd District Court of Appeal has agreed to rehear oral argument in Manriquez because the appellant did not receive notice of the first oral argument.

Other

- A. Elise Rose, Christine Bologna and Karen Brandt participated in two separate panels (one on medical issues, the other on the administrative hearing process) at the California State Bar's Public Sector Labor and Employment Program.

May 2, 2001

- B. Elise Rose, Bill Heal and Gladys Washington spoke on the new evidentiary hearing scheduling options at DPA's Respondents' Counsel Roundtable meeting on April 19, 2001.
- C. Elise Rose will speak at a conference for Deputy Attorneys General of the ERA division on May 15, 2001, in San Diego.
- D. The Task Force on the Health Questionnaire has met and is expected to make recommendations soon as to further possible revisions to the version now on SPB's website.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. The State Personnel Board's Career Fair scheduled for June 7, 2001, will be done in conjunction with Senator Kevin Murray's annual Los Angeles job fair. The Fair will be held at the California Science Center from 9:00 a.m. to 6:00 p.m.
- B. Laura Aguilera and Judy Balmain met with staff from Assembly Speaker Hertzberg and Assemblymember Chan's office to discuss the status of the Bilingual Services Program.
- C. SB 1006 (Soto) which establishes a program to reimburse new and incumbent state employees for college expenses, is currently in the Senate Appropriations suspense file, staff will be working with the committee and Finance to resolve fiscal concerns.
- D. SB 1161 (Polanco) will implement several of the recommendations from the diversity taskforce "Report to the Governor on Outreach Options."

The State Personnel Board voted on the following Legislative bills:

May 2, 2001

- A. SB 413 (Speier) clarifies conflicting and/or confusing provisions of several laws concerning protections provided to whistleblowers. (SUPPORT)
VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.
- B. AB 619 (Wayne) would provide that any appointment to any state scientist class, on or after 1/1/02, have a 4-year degree in a scientific discipline.
(OPPOSE)
VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

- 5. HEARING - REVISION OF MINIMUM QUALIFICATIONS FOR STATEWIDE INFORMATION TECHNOLOGY CLASSES
The Department of Personnel Administration proposes to revise the minimum qualifications for the statewide information technology classes: Programmer I, Programmer II; and the following class series: Information Systems Technician, Computer Operations, Programmer Analyst, Information Systems Analyst and Systems Software Specialist.

ACTION: Withdrawn as a hearing and adopted as a Non-Hearing Calendar item May 2, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

BOARD ACTIONS

- 6. STATE PERSONNEL BOARD SUMMARY MINUTES OF APRIL 17, 2001

ACTION: Adopted on May 2, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

- 7. ACTION ON SUBMITTED ITEMS

ACTION: See pages 14-16.

- 8. ADMINISTRATIVE LAW JUDGE CASES

May 2, 2001

On May 2, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

COURT REMAND

FRED MARTINO, CASE NO. 99-3982

Appeal from dismissal

Special Agent Supervisor

Department of Justice

ACTION: On May 2, 2001, adopted Board decision setting aside April 4-5, 2000 decision and remanding to Administrative Law Judge

CHIEF COUNSEL RESOLUTION

JAMES H. CONRAD, CASE NO. 00-1857

Appeal from withhold

Electrician III

Department of Corrections

ACTION: On May 2, 2001, adopted Board decision revoking resolution of January 3, 2001, withholding appellant, and finding that appellant meets the minimum qualifications for Electrician III

PROPOSED DECISIONS

RONALD R. RANDLE, CASE NO. 00-4253

Appeal from five-percent reduction in salary for six months

Correctional Officer

Imperial - Correctional Facility

Department of Corrections

ACTION: Five-percent reduction in salary for six months sustained

JASON E. KIM, CASE NO. 00-3240

Appeal from dismissal

Park Maintenance Assistant

Department of Parks and Recreation

ACTION: Dismissal sustained

May 2, 2001

GREGORY A. KILPATRICK, CASE NO. 00-2225

Appeal from dismissal

State Traffic Officer

California Highway Patrol

ACTION: Dismissal sustained

KENNETH SLONSKI, CASE NO. 00-3160

Appeal of Official/Formal Reprimand

Treatment Team Supervisor

Paso De Robles School - California Youth Authority

California Youth Authority

ACTION: Official/formal reprimand revoked

GAYE WELCH-BROWN, CASE NO. 99-2089

Appeal from demotion from the position of Accounting

Administrator I (Supervisor) to Associate Accounting
Analyst

State Controller

ACTION: Demotion sustained

TRUDY L. MULLEN, CASE NO. 00-2891

Appeal from ten-percent reduction in salary for 12 months

Motor Vehicle Field Representative

Department of Motor Vehicle

ACTION: Ten-percent reduction in salary for 12 months
modified to a five-percent reduction in salary for eight
months

CRAIG STEVENSON, CASE NO. 99-1388

Appeal from C.E.A. termination

Chief Counsel

Department of Veterans

ACTION: C.E.A. termination sustained

RICHARD HASELTINE, CASE NO. 00-1516

Appeal from a complaint of discrimination on the basis of
retaliation

Supervising Governmental Auditor I

Department of Social Services

ACTION: Retaliation complaint dismissed

RENEE M. REED, CASE NO. 00-3968

Appeal from involuntary demotion from the position of
Staff Services Analyst (Data Processing) to the position
of Departmental Information Systems Technicians
County of Humboldt at Eureka

May 2, 2001

Department of Social Services

ACTION: Involuntary demotion sustained

BARBARA J. COLEMAN, CASE NO. 00-0400

Appeal from demotion from the position of Principal
Driver Safety Officer to the position of Driver Safety
Officer

Department of Motor Vehicles

ACTION: Demotion from Principal Driver Safety Officer
modified to Driver Safety Officer for six-months

JOE PIERCE, CASE NO. 00-2910

Appeal from 30 working days suspension
California Highway Patrol Officer

Department of California Highway Patrol

ACTION: 30 working days suspension sustained

PETITIONS FOR REHEARING

JESSIE HERRERA, CASE NO. 00-1444P

Appeal from Dismissal

Material Fabrication Specialist

California State University, San Diego

ACTION: Petition for rehearing filed by appellant denied

GLENN HUNSINGER, CASE NO. 00-2284P

Appeal from Official Reprimand

Staff Counsel

State Compensation Insurance Fund

ACTION: Petition for rehearing filed by appellant denied

DAVID KESNER, CASE NO'S. 00-1818/00-0243

Appeal from Dismissal and Discrimination Complaint

Program Technician

Department of Justice

ACTION: Petition for rehearing filed by appellant
granted and remanded to Chief Administrative Law Judge
for hearing

JENNIFER L. KILL, CASE NO. 00-2164P

Appeal from Dismissal

May 2, 2001

Supervising Cook I (Correctional Facility)

California Correctional Institution

Department of Corrections

ACTION: Petition for rehearing filed by appellant
granted and Board to decide case itself

SEYED SHARIFI, CASE NO. 00-1582P

Appeal from Rejection during Probationary Period

Transportation Engineering Technician

Department of Transportation

ACTION: Petition for rehearing filed by appellant denied

9. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 17-20.

10. WITHHOLD APPEALS

On May 2, 2001, the Board adopted the following decisions
presented by Walter Vaughn, Executive Officer, California
State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. LISA M. TABIN, CASE NO. 00-0776

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

B. RICHARD ALVARADO, CASE NO. 00-2999

Classification: Parole Agent I, Adult Parole

Department of Corrections

ACTION: GRANTED

C. JANINE HODSON, CASE NO. 00-2952

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

D. KIMBERLY A. WARMSLEY, CASE NO. 00-2958

Classification: Youth Correctional Officer

Department of the Youth Authority

ACTION: DENIED

E. LANISSA R. OLIVERA, CASE NO. 00-3427

May 2, 2001

Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

F. PATRICK LOPEZ, CASE NO. 00-2903
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: REFERRED TO STAFF HEARING OFFICER FOR
HEARING

G. JAMES J. CULLEN, CASE NO. 00-3198
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

H. WILLIAM T. ORVASH, CASE NO. 00-2349
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

11. MEDICAL APPEALS

On May 2, 2001, the Board adopted the following decisions
presented by Walter Vaughn, Executive Officer, California
State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. CHAD L. POURROY, CASE NO. 00-2660
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

B. RONALD LIMON, CASE NO. 00-4205
Classification: Plumber I
Department of the Youth Authority
ACTION: DISMISSED

12. REQUEST TO FILE CHARGES CASES

On May 2, 2001, the Board took the following actions
presented by Walter Vaughn, Executive Officer, California
State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. RICHARD HOFFMAN, CASE NO. 00-1848

May 2, 2001

Classification: An employee of the Department of Corrections

ACTION: DENIED

B. DAVID HUERTA, CASE NO. 00-0229

Classification: A former Correctional Officer with the Department of Corrections.

ACTION: GRANTED AND THAT THE CASE BE SCHEDULED FOR HEARING WITH AN ADMINISTRATIVE LAW JUDGE

C. JAMES M. ROERING, CASE NO. 00-0276

Classification: A former Correctional Officer with the Department of Corrections.

ACTION: GRANTED AND THAT THE CASE BE SCHEDULED FOR HEARING WITH AN ADMINISTRATIVE LAW JUDGE

13. NON-HEARING CALENDAR

On May 2, 2001, the Board adopted items A-E. These items were presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. FRAUD PREVENTION SPECIALIST SERIES

SENIOR FRAUD PREVENTION SPECIALIST

SUPERVISING FRAUD PREVENTION SPECIALIST

The Department of Health Services proposes specification revisions to the Fraud Prevention Specialist class series; and title changes to the Senior and Supervising Fraud Prevention Specialist classes.

B. ADMINISTRATOR, FRANCHISE TAX BOARD SERIES

The Franchise Tax Board proposes revisions to the classes within the Administrator, Franchise Tax Board series specification.

C. FOOD SERVICE WORKER I & II

FOOD SERVICE WORKER I & II (CORRECTIONAL FACILITY)(CF)

FOOD SERVICE WORKER II (CF)

COOK I & II

COOK I & II (CF)

May 2, 2001

The Department of Personnel Administration is requesting to change the title of the following classes: Food Service Worker I, Food Service Worker II, Food Service Worker I (Correctional Facility)(CF), Food Service Worker II (CF), Cook I, Cook II, Cook I (CF) and Cook II (CF).

- D. MEDICAL TECHNICAL ASSISTANT (CORRECTIONAL FACILITY)(CF)
MEDICAL TECHNICAL ASSISTANT (PSYCHIATRIC)
FIRE FIGHTER, CORRECTIONAL INSTITUTION
GROUP SUPERVISOR TRAINEE
YOUTH CORRECTIONAL OFFICER
YOUTH CORRECTIONAL COUNSELOR
BOARD COORDINATING PAROLE AGENT, YOUTHFUL OFFENDER PAROLE BOARD
PAROLE AGENT II, YOUTH AUTHORITY (SPECIALIST)
PAROLE AGENT II, ADULT PAROLE (SPECIALIST)
CORRECTIONAL COUNSELOR II (SPECIALIST)
The Department of Personnel Administration proposes to increase the probationary period for the following classes to one year: Medical Technical Assistant, Correctional Facility; Medical Technical Assistant (Psychiatric); Fire Fighter, Correctional Institution; Group Supervisor Trainee; Youth Correctional Officer; Youth Correctional Counselor; Board Coordinating Parole Agent, Youthful Offender Parole board; Parole Agent II, Youth Authority (Specialist); Parole Agent II, Adult Parole (Specialist); Correctional Counselor II (Specialist).

- E. DRIVER SAFETY OFFICER
PRINCIPAL DRIVER SAFETY OFFICER
DRIVER SAFETY OFFICER
The Department of Motor Vehicles proposes to consolidate the classes of Driver Safety Officer and Principal Driver Safety Officer into a single deep class titled Driver Safety Officer; to reallocate current incumbents; to revise Alternate Range Criteria 133'; and to abolish the Principal Driver Safety Officer classification.

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

May 2, 2001

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY
UNDER CONSIDERATION

- (1) DEPUTY DIRECTOR, UNEMPLOYMENT INSURANCE BRANCH
The Employment Development Department (EDD) proposes to allocate the above position to the CEA category. The Deputy Director, Unemployment Insurance Branch, is responsible for the statewide direction of the largest EDD program - Unemployment Insurance. The department indicates that the position is at the second organizational level and will report to the Director.
- (2) CHIEF OF PLANNING DIVISION
The Department of Parks and Recreation proposes to allocate the above position to the CEA category. The Chief of the Planning Division will be responsible for policy formulation and decision making for the re-established Planning Division. Other responsibilities will be for State Park System Planning, Statewide Planning, Urban Strategy Planning, coordination of the Multi-Year Capitol Outlay Program, coordination of the Policy Planning Committee, and related department-wide planning activities. The department indicates that the position is at the second organizational level and will report to the Chief Deputy Director.
- (3) CHIEF OF RECREATION DIVISION
The Department of Parks and Recreation proposes to allocate the above position to the CEA category. The proposed Chief of Recreation Division position will be responsible for the policy formulation and decision making for the Recreation Division. The position will also be responsible for conducting research studies and workshops, and for the coordination of activities and technical assistance services as required by statute. The department indicates that the position is at the third organizational level and will report to the Chief Deputy Director.

May 2, 2001

(4) CHIEF OF PARK UNIT DEVELOPMENT AND CAPITAL
OUTLAY

The Department of Parks and Recreation proposes to allocate the above position to the CEA category. The Chief of Park Unit Development and Capitol Outlay will be responsible for shaping statewide policy for the development of park unit design for the existing 266 park units, as well as the establishment of new park units and the Department's capital outlay program. The department indicates that the position is at the third organizational level and will report to the Deputy Director, Park Design and Construction.

(5) DEPUTY DIRECTOR, PLANNING AND CONSTRUCTION
DIVISION

The Board of Corrections proposes to allocate the above position to the CEA category. The Deputy Director, Planning and Construction Division, is responsible for the Board of Corrections' \$438.3 million statewide federal and state juvenile and adult detention facility capital construction program and the interpretation and implementation of state and federal policies relative to the program. The department indicates that the position is at the second organizational level and will report to the Executive Officer, Board of Corrections.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW CEA POSITIONS

(1) COMMUNITY FACILITIES DIRECTOR (Two Positions)

The Department of Developmental Services' request to allocate the above positions to the CEA category has been approved effective March 27, 2001.

(2) CHIEF, SCIENTIFIC DIVISION

The Department of Fish and Game's request to allocate the above position to the CEA category has been approved effective April 11, 2001.

(3) DEPUTY DIRECTOR, OFFICE OF CRIMINAL JUSTICE
COLLABORATION

The Department of Alcohol and Drug Program's
request to allocate the above position to the
CEA category has been approved effective April
11, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN
6/30/95 AND 1/1/99

(1) DIRECTOR, INFORMATION TECHNOLOGY AND SUPPORT

May 2, 2001

The California Commission on Teacher Credentialing is requesting to refill the above position.

- (2) DEPUTY DIRECTOR, WILDLIFE AND INLAND FISHERIES
DIVISION

The Department of Fish and Game is requesting to refill the above position.

- (3) ASSISTANT CHIEF, APPELLATE OPERATIONS
The California Unemployment Insurance Appeals Board is requesting to refill the above position.

- (4) DIRECTOR, INDIVIDUAL TAX SYSTEMS MANAGEMENT
BUREAU

The Franchise Tax Board is requesting to refill the above position.

- D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND
1/1/99

NONE PRESENTED

ACTION: Noted

A D J O U R N M E N T

May 2, 2001

SUBMITTED

1. CARLA EGGMAN-GARRETT, CASE NO. 00-0008. Appeal from rejection during probationary period. Department of Corrections. (Oral argument held February 6, 2001).

ACTION: On May 2, 2001, adopted Board decision revoking rejection during probationary period.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.
Alvarado - Abstained.

2. LAQUITA PETERSON, CASE NO. 99-5285. Appeal from demotion. Department of Corrections. (Oral argument held February 6, 2001).

ACTION On May 2, 2001, adopted Board decision revoking demotion.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

3. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held February 6, 2001).

ACTION: On May 2, 2001, adopted Board decision modifying dismissal to a 6-month suspension and demotion to Senior Psychiatric Technician.

VOTE: Elkins, Bos, Carpenter - Aye. Alvarado and Harrigan abstained.

4. ROMONDO SIZEMORE, CASE NO. 00-0418. Appeal from dismissal. Department of Corrections. (Oral argument held March 6, 2001).

NO ACTION

5. MICHAEL BURVANT, MD., CASE NO. 00-0854. Appeal from dismissal. Department of Corrections. (Oral argument held April 5, 2001).

May 2, 2001

NO ACTION

6. CHARLES ALEXANDER, CASE NO. 98-2769 AND RICHARD NEWTON, CA[E NO. 98-2769. Appeals from whistleblower/retaliation complaints. Department of Corrections. (Oral argument held April 5, 2001).

NO ACTION

7. JOSEPH F. KENNEY, CASE NO. 00-0042. Appeal from dismissal. Department of Justice. (Oral argument held April 5, 2001).

NO ACTION

8. JOHN FLORES, CASE NO. 99-3499. Appeal from dismissal. Department of Mental Health. (Oral argument held April 5, 2001).

NO ACTION

9. STACY ROBERTSON, CASE NO. 00-2229. Appeal from dismissal. Department of Corrections. (Written testimony presented April 5, 2001).

NO ACTION

10. FERNANDO GANDARA, JR., CASE NO. 99-3867. Appeal from discrimination/retaliation complaint appeal. Department of Veterans Affairs. (Oral argument held April 5, 2001).

NO ACTION

11. KRISTINA HUTCHINGS, CASE NO. 00-0353. Appeal from five percent reduction in salary for six pay periods. State Board of Equalization. (Oral argument held April 6, 2001).

May 2, 2001

ACTION: On May 2, 2001, Board adopted findings of fact of Administrative Law Judge sustaining 5% reduction in salary for 6 pay periods.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

12. STAFFORD LEWIS, CASE NO. 99-5021. Appeal from dismissal. Department of Corrections. (Oral argument held April 6, 2001).

NO ACTION

13. MARK SPECTOR, CASE NO. 00-0363. Appeal from dismissal. Department of Developmental Services. (Written testimony presented April 6, 2001).

ACTION: On May 2, 2001, adopted Board decision sustaining dismissal.

VOTE: Alvarado, Elkins, Carpenter, Harrigan - Aye.
Bos - Dissent.

14. RUSSELL KOHR, CASE NO. 00-0844. Appeal from 30-calendar day's suspension. Department of Mental Health. (Oral argument held April 6, 2001).

ACTION On May 2, 2001, adopted Board decision revoking 30-calendar day's suspension and awarding back pay, interest and benefits.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

15. PHILLIP E. BROWN, CASE NO. 00-3165. Appeal for reinstatement after automatic resignation. San Diego State University, California State University. (Proposed decision presented to Board April 17, 2001).

ACTION: On May 2, 2001, adopted Board decision denying reinstatement after automatic resignation.

VOTE: Alvarado, Elkins, Bos, Carpenter - Aye.
Harrigan - Dissent.

May 2, 2001

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

May 2, 2001

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 2, 2001

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.